

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-400-GCM

DIAGNOSTIC DEVICES INC.,)

Plaintiff,)

vs.)

AZCO CORPORATION)

Defendant.)

ORDER

THIS MATTER comes before the Court on Defendant, Azco Corporation's Motion to Dismiss and Alternative Motions to Transfer or Stay. [Doc. No. 5]. On January 16, 2012, the Court conducted a status conference in this case and also allowed oral argument on Defendant's Motion. For the reasons stated in open court at the January 16, 2013 hearing, Defendant's Motion to Dismiss is DENIED as moot; the Motion to Stay was previously GRANTED by this Court by Order dated August 13, 2012 [Doc. No. 13] and that stay is now lifted allowing the case to proceed and the Motion to Transfer is GRANTED. Plaintiff's case will be transferred to the District of New Jersey for further proceedings in accordance with the parties' forum selection clause. The Clerk is directed to transfer this case to the District of New Jersey and close the case in this district.

SO ORDERED.

Signed: January 16, 2013



Graham C. Mullen
United States District Judge

